PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 40102-1-1PC	FOR FURTHER ACTION	See item 4 below		
International application No. PCT/US2004/007746	International filing date (day/month/year) 11 March 2004 (11.03.2004)	Priority date (day/month/year) 14 March 2003 (14.03.2003)]		
International Patent Classification (IPC) or national classification and IPC 7 F25D 03/08				
Applicant CITRYNELL, Andrew				

1.	 This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a). 					
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.					
	In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.					
3.	This report contains indications	relating to the following ite	rms:			
	Box No. I	Basis of the report				
	Вох №. П	Priority				
	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability				
	Box No. IV Lack of unity of invention					
	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
	Box No. VI	Certain documents cited				
	Box No. VII	Certain defects in the international application				
	Box No. VIII	Certain observations on the international application				
4.	4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).					
			Date of issuance of this report 16 September 2005 (16.09.2005)			
	The International Bure		Authorized officer			
	34, chemin des Col- 1211 Geneva 20, Sv		Yoshiko Kuwahara			
	Facsimile No. +41 22 740 14 35 Telephone No. +41 22 338 90 90					
Form I	PCT/IB/373 (January 2004)					

PATENT COOPERATION TREATY

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From the				idilion like	****		
	TIONAL SEARC	HING AUTI	HORITY			WIPO	P
To: DARIN J. GIBBY TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER, EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			PCT	1			
			ITTEN OPINIOI ONAL SEARCH	N OF THE ING AUTHORIT	Y		
					(PCT Rule 43b)	is.1)	
		Date of mailing (day/month/year)	17.	JUN 2005			
'	's or agent's file	reference		FOR FURTHER	ACTION See paragraph 2 belo	ow	
40102-1-1	nal application N		International filing date	(dov/month/war)	Priority date (day/n	month bear	
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Internatio		ication (IPC)	11 March 2004 (11.03.2 or both national classifica	2004) tion and IPC	14 March 2003 (14	.03.2003)	\dashv
	25D 03/08 and U						Ì
Applicant		0 CI., 021+31	.5, 550		•	•	\dashv
CITRYNI	ELL, ANDREW						
1. This	opinion contains i	ndications rel	ating to the following item	18:		, , , , , , , , , , , , , , , , , , , ,	
	Box No. I	Basis of the	e opinion				
	Box No. II	Priority					
	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability					
\boxtimes	Box No. IV	Lack of unity of invention					
\boxtimes	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
	Box No. VI	Certain documents cited					
	Box No. VII	Certain defects in the international application					
	Box No. VIII	VIII Certain observations on the international application					
2. FUR ′	THER ACTIO	N					
Intern Autho	ational Prelimina rity other than th	ry Examinin is one to be t	inary examination is mad g Authority ("IPEA") ex he IPEA and the chosen I onal Searching Authority	cept that this does PEA has notified the	not apply where the International Bureau	e applicant chooses a	ın İ
IPEA mailin	a written reply g of Form PCT/I	together, who SA/220 or be	e, considered to be a writte ere appropriate, with ame fore the expiration of 22 r	endments, before the	e expiration of 3 m	onths from the date of	ie of
ror m	rther options, see	Form PC171	SA/220.				
3. For fu	rther details, see	notes to Form	PCT/ISA/220.				
M	mailing address o	: ISA/US	5	Authorized officer Chen-Wen Jiang	anne	Theath	

Telephone No. (703) 306-5648

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230
Form PCT/ISA/237 (cover sheet) (January 2004)

International application No.
PCT/US04/07746

Box No. I Basis of this opinion
1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
a. type of material
a sequence listing
table(s) related to the sequence listing
b. format of material
in written format
in computer readable form
c. time of filing/furnishing
contained in international application as filed.
filed together with the international application in computer readable form.
furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:
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International application No.
PCT/US04/07746

В	ox No. IV Lack of unity of invention
1.	In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has: paid additional fees paid additional fees under protest not paid additional fees
2.	This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3.	This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
	complied with
	not complied with for the following reasons:
	See the lack of unity section of the International Search Report(Form PCT/ISA/210)
	-
. Co [onsequently, this opinion has been established in respect of the following parts of the international application: all parts.
Ŀ	the parts relating to claims Nos. 1-19

International application No. PCT/US04/07746

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1. Statement				
Novelty (N)	Claims	1-19	YES	
	Claims		NO	
Inventive step (IS)	Claims	1-19	YES	
,	Claims		NO	
Industrial applicability (IA)	Claims	110	VEC	
e production of the state of th	Claims		YES	
2. Citations and explanations:				
Claims 1-19 meet the criteria set out in PCT Article container comprising, in combination, a vessel havi also, the cooling element is coupled to the cavity an	ng bottom cavit	ause the prior art does not teach or fa y containing cooling element, a base	airly suggest a beverage having a bottom and a stem,	
Claims 1-19 meet the criteria set out in PCT Article can be made or used in industry.	e 33(4), and thu	s have industrial applicability becaus	e the subject matter claimed	
can be made of used in industry.				
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Form PCT/ISA/237 (Box No. V) (January 2004)

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WIPO	PCT

PATENT COOPERATION TREATY			MEC D. "S'R JOW SOND		
From the INTERNATIONAL SEARCHING AUTHORITY				WIPO F	
To: DARIN J. GIBBY TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER, EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			PCT		
			ITTEN OPINION ONAL SEARCH	N OF THE ING AUTHORITY	
				(PCT Rule 43bi	s.1)
			Date of mailing (day/month/year)	17	IUN 2005
Applicant's or agent's file reference		FOR FURTHER			
40102-1-1PC		P =			·
International application No.		International filing date	(day/month/year)	Priority date (day/n	nonth/year)
PCT/US04/07746 International Patent Classification	tion (IPC)	11 March 2004 (11.03.2		14 March 2003 (14	.03.2003)
	, ,		ion and IPC		İ
IPC(7): F25D 03/08 and US (Applicant	21.: 62/43/	.3, 530			
CITRYNELL, ANDREW					,
This opinion contains indi	ications rel	ating to the following item	is:		
Box No. I Basis of the opinion					
Box No. II P	Priority				
Box No. III N	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability				
Box No. IV 1	Lack of unity of invention				
Box No. V R	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
Box No. VI C	Certain documents cited				
Box No. VII C	Certain defects in the international application				
Box No. VIII Certain observations on the international application					
2. FURTHER ACTION					
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.					
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220.				onths from the date of	
3. For further details, see notes to Form PCT/ISA/220.					
Name and mailing address of the	ne ISA/ US		Authorized officer	0, 0	N SATA

Chen-Wen Jiang

Telephone No. (703) 306-5648

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US

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Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Form PCT/ISA/237 (cover sheet) (January 2004)

International application	No.
DCT/IISO//077/6	

Box No. I Basis of this opinion
1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
a. type of material
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in written format
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filed together with the international application in computer readable form.
furnished subsequently to this Authority for the purposes of search.
is the purposes of scarcin.
In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:
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Form PCT/ISA/237(Box No. I) (January 2004)

International application No.
PCT/US04/07746

Roy	No. IV Lack of unity of invention	_
- DUX	140. 17 Lack of unity of invention	_
1. [In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has: paid additional fees paid additional fees under protest not paid additional fees	
2.	This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.	
3. T	This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is	
Γ	complied with	
Š	not complied with for the following reasons:	
S	ee the lack of unity section of the International Search Report(Form PCT/ISA/210)	
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. Cons	equently, this opinion has been established in respect of the following parts of the international application:	
	all parts.	
K	the parts relating to claims Nos. <u>1-19</u>	ĺ

International application No. PCT/US04/07746

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement			
1. Statement			
Novelty (N)	Claims	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	1-19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
••	Claims		NO NO
2. Citations and explanations:			
Claims 1-19 meet the criteria set out in PCT Article container comprising, in combination, a vessel havi also, the cooling element is coupled to the cavity and	ing bottom caviry	use the prior art does not teach of y containing cooling element, a b	or fairly suggest a beverage base having a bottom and a stem,
Claims 1-19 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.			
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Form PCT/ISA/237 (Box No. V) (January 2004)